

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

V.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

CIVIL ACTION

NO. 04-CV-325 (ERIE)

Judge Sean J. McLaughlin

ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of Plaintiff's Motion In *Limine* Requesting The Court For Judicial Notice and any opposition thereto, it is hereby ORDERED, DECREED and ADJUDGED that the Request is GRANTED. This Court takes judicial notice of the authenticity and admissibility of the following documents:

- 1) Trademark Assignment Abstract of Title (Exhibit P-5);
- 2) VEO's Trademark/Service Mark Application to register "Erie City Iron Works" (Exhibit P-6);
- 3) VEO's Trademark/Service Mark Application to register "Erie City Boiler Works (Exhibit P-7);

- 4) VEO's Objection and Reservation of Rights of Victory Energy Operations, LLC to Expedited Motion to Assume and Assign Executory Contracts Pursuant to 11 U.S.C. § 365 (Exhibit P-216);
- 5) EPTI's Expedited Motion to Assign and Executory Contract Pursuant to 11 U.S.C. § 365 (Exhibit P-216A); and
- 6) District Court's Order Approving Assumption and Assignment of Executory Contract Pursuant to 11 U.S.C. § 365 (Exhibit P-216B).

BY THE COURT:

McLaughlin, J.